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those relating to the protection of submarine cables; agreements as to the means for preventing the collision of ships at sea; conventions relating to the navigation of international rivers and interoceanic canals; conventions regarding the protection of literary and artistic property, industrial property, patents, and trade marks; monetary and metrical conventions; sanitary conventions, etc.

ARTICLE 11. The above list may be completed by subsequent arrangements among the signatory Powers. Moreover each Power shall be able to enter into a special arrangement with another Power for the purpose of rendering arbitration obligatory in the above-mentioned cases before the general ratification, and also to extend the scope of arbitration to all cases which it is considered possible to submit to it.

ARTICLE 12. In all other cases of international conflicts not mentioned in the above articles, arbitration, while certainly being very desirable and recommended by the present act, is nevertheless purely facultative, — that is to say, it can only be applied on the spontaneous initiative of one of the parties in dispute, and with the express consent of the other parties.

ARTICLE 13. With the view of facilitating recourse to arbitration and its application, the signatory Powers are agreed to formulate a common arrangement for the employment of international arbitration, and for the fundamental principles to be observed in the drawing up of the rules of procedure to be followed pending the inquiry into the dispute, and the pronouncement of the decision of the arbitrators. The application of these fundamental principles, as also of the arbitration procedure indicated in the appendix to the present article, may be modified in virtue of a special arrangement between States which may have recourse to arbitration.

#### PART III. — INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE 14. In cases in which divergencies of views occur between the signatory States, in connection with local circumstances giving rise to litigation of an international character, which cannot be settled by the ordinary diplomatic means, but in which neither the honor nor the vital interests of these States are engaged, the Governments interested agree to institute an international commission of inquiry in order to arrive at the causes of the disagreement, and to clear up on the spot, by an impartial and conscientious examination, all questions of fact.

ARTICLE 15. These international commissions shall be constituted as follows: Each Government interested shall appoint two members, and the four members united shall choose a fifth member, who shall at the same time be president of the commission. If the votes shall be divided for the choice of a president, the two Governments interested shall appeal either to another Government or to a third party, who shall appoint the president of the committee.

ARTICLE 16. Governments between which a grave disagreement or conflict shall arise in the circumstances indicated above shall engage to furnish the commission of inquiry with all means and facilities necessary for a thorough and conscientious study of the facts.

ARTICLE 17. The International Commission of Inquiry, after having acquainted itself with the circumstances in which the disagreement or conflict arose, shall

submit to the Governments interested a report signed by all the members of the Commission.

ARTICLE 18. The report of the Commission of Inquiry shall in no wise have the character of an arbitration judgment. It leaves the Governments in conflict at full liberty either to conclude a friendly arrangement on the basis of the said report, or to have recourse to arbitration by concluding an agreement *ad hoc*, or else by resorting to the active measures allowable in the mutual relations between nations.

The Russian proposal is followed by a draft code of arbitration.

## The Hopefulness of International Arbitration.

*Address at the Mohonk Conference.*

BY REV. PHILIP S. MOXOM.

"Say not, the struggle nought availeth,  
The labor and the wounds are vain,  
The enemy fainteth not nor faileth,  
And as things have been they remain.

"If hopes were dupes, fears may be liars;  
It may be in yon smoke concealed  
Your comrades chase e'en now the fliers,  
And, but for you, possess the field.

"For while the tired waves, vainly breaking,  
Seem here no painful inch to gain,  
Far back, through creeks and inlets making,  
Comes silent, flooding in, the main.

"And not by eastern windows only  
When morning comes, comes in the light;  
In front the sun climbs slow, — how slowly, —  
But westward, — look, the land is bright!"

So I phrase in the words of Clough, the English poet, my confession of faith as to the coming of the day when nations shall not learn war any more. I believe that the prospects are good, that they are brighter to-day than they ever have been. I believe that this is a day for the optimist, a day in which the lugubrious voice of the pessimist should no more be heard in the land.

Take first of all the present Conference at The Hague. Much has been said of it in this meeting, but I do not think that it fills the place in our imagination and our hopes which it ought to fill. While yesterday we had the concert of Europe, and the Cretan investment by the Allied Impotencies, to-day we are witnessing a concert of civilization. There has been no time in the past when all the powers of the earth have come together for such a purpose and in such a spirit and with such a representation as that which we witness in the Conference at The Hague. And there never has been a time, in the history of our country, when the United States sat so near the head of the table, and with so much potency for the determination of a hopeful issue of the Conference, as to-day. What may have been the causes which have led up to it does not lie within my province to discuss. But I challenge contradiction when I say that the moral force of the United States, in its effect upon the peoples and the sovereigns of the Old World, is greater at this moment than it has ever been in any moment of its history. And the whole of that force is pledged, by our

principles, by our hopes, by our instincts, on the side of reasonableness and arbitration and peace.

I say that, notwithstanding the fact that two years ago we were here lamenting the defeat of the treaty before the Senate of the United States. The atmosphere of the world is changed. Great changes come slowly, but the manifestation of the change is sudden. Such a change is manifest now in the temper of the peoples who by their representatives are assembled to-day at The Hague.

Take again the sentiment of the people at large in the nations to-day. Take the drift of public opinion. I quite agree with my friend Dr. Thomas in what he so thoughtfully said as to the fact that those who are in the right are always in the minority, at least for a time. It is true that the world is saved by its remnant. It is true that reforms are led by the minority. But we must remember that being in a minority is no guarantee of being right! There are mistaken and evil minorities as well as beneficent and constructive minorities. He is a bold man who would say to-day that the majority of the people who vote in this country or in England would deliberately vote against arbitration and in favor of war. For my own part, I am sure that in England and in this country, and even in Germany, the sentiment of the majority of the people, expressed in a plebiscite to-day, would be in favor of the principle that is represented in the councils at The Hague. That sentiment exists in the army and the navy; our noblest soldiers and sailors are themselves representatives of it. I say that without the slightest hesitation, in view of innumerable facts that have come to my own observation. There is bloodthirstiness among the people; there are always individual bloodthirsty men, and for a good many years yet there will be need of police in our cities, police in all countries, police on the highways of the great world. But the great masses of Christendom to-day believe in the conservative and constructive methods of peace, and not in the destructive methods of war, and look upon war only as the dread inevitable resort at the last.

The promise for peace between the nations of the earth was never so bright as it is at this moment. Many influences have worked to that end. The defeat of the treaty two years ago discouraged many people, who considered it indicative of a sentiment opposed to our hopes and anticipations; but it is my firm conviction that the defeat of that treaty in the Senate, though I deplored and I am afraid denounced it, has worked for good, has concentrated attention upon the question, has stimulated inquiry, has caused the diffusion of information, has brought intelligence, and has attracted the attention not only of the people of America and of England, but of other peoples, to the great end for which the treaty was constructed. I believe that in the place of that defeated treaty we are on the eve of having a treaty that shall incorporate all that was good in that treaty and much more. And we shall find the world pushed on a considerable way toward the portal of the long pathway to the millenium.

One other consideration I venture by way of prophecy. If the Conference at The Hague should end in failure to attain the specific end that is now shaping itself before that body (I do not believe it will), it will not be a cause

for discouragement, or least of all for despair. The fact that the world could come together, voluntarily, in its representatives, to consider such a subject as that which is being considered day by day at The Hague, in the "House in the Woods" (a house, in my judgment, destined to be immortalized), this mere fact will work as a quickening and molding influence upon the minds, the intelligence, and the conscience of the peoples, and will hasten the day when a conference will convene which will reach further than the most sanguine friend of the present Conference dares to hope.

Let me say one word with reference to a psychological fact of our time. It is only within our memory that we have had such a thing as an international consciousness. The multiplied applications of science which have facilitated intercommunication have created for us such an international consciousness, and out of that consciousness is evolving hour by hour an international conscience. It is a new thing in the world, that contains in itself a promise of more than all the publicists and reformers have dared to announce or to hope for in the past.

Let me say also one word with reference to the plane upon which we should push our argument. I believe we have made mistakes in the past; we have put the emphasis in the wrong place, and have failed to make true discriminations. We have made a mistake in drawing so sharp a line between what we call a civilian and a soldier. Let us never forget that to-day, in all democratic countries, and in all countries where constitutional government prevails, it is becoming more and more true that the soldier is also a citizen, and that the citizen is the possible soldier, and that no soldier abrogates or abandons his rights and convictions and principles and duties as a citizen because for a time he becomes a soldier. We have failed to make distinctions, and sometimes have pressed to the fore considerations that are not of the greatest. If we conduct this campaign on the plane of the essential moral reasonableness and righteousness of peace and arbitration, as compared with war, as a means for the settlement of international difficulties, if we appeal to the highest motives and the highest sensibilities of people, we shall help forward the cause more than in any other way. It is right to consider questions of commerce, it is right to consider the question of life, it is right to consider the question of philosophy. But all these, after all, take their place below the high plane on which we should work and press our chief arguments and express our strongest hopes,—that is the plane of the divine rationality and eternal righteousness or the rule of reason and conscience over the actions of men, whether they be gathered in nations or whether they be separated as individuals.

### I Would Sing of the Future.

BY J. A. EDGERTON.

On the topmost twig of a tree  
A little bird sits and sings,  
While the light of the morn glints merrily  
On the burnished hue of his wings;  
A song of love and gladness sings he  
That over the woodland rings.